
By: ~~Delegates Frank, Aumann, Boteler, and DeBoy~~ DeBoy, Frush, and Owings

Introduced and read first time: February 7, 2003
Assigned to: Appropriations

Committee Report: Favorable with amendments
House action: Adopted with floor amendments
Read second time: March 21, 2003

CHAPTER _____

1 AN ACT concerning

2 ~~Militia - Leave of Absence for Public Employees~~
3 State Employees - Military Administrative Leave

4 FOR the purpose of ~~providing that certain members of the organized militia who are~~
5 ~~ordered to active duty with the consent of the Governor are entitled to a leave of~~
6 ~~absence from their duties without loss of pay, time, or efficiency rating for the~~
7 ~~time while actually serving under the active duty order; providing for the~~
8 ~~application of this Act authorizing the provision of military administrative leave~~
9 ~~for certain State employees who are on active military duty on a certain date or~~
10 ~~are activated for military duty on or after a certain date; requiring certain~~
11 ~~employees to use military administrative leave or certain paid leave; specifying~~
12 ~~the amount of military administrative leave that may be provided; requiring the~~
13 ~~Department of Budget and Management to keep a record of the use of military~~
14 ~~administrative leave; providing for the termination of this Act; and generally~~
15 ~~relating to leave of absence for public~~ military administrative leave for State
16 ~~employees who are members of the organized militia.~~

17 ~~BY repealing and reenacting, with amendments,~~
18 ~~Article - Public Safety~~
19 ~~Section 13-707~~
20 ~~Annotated Code of Maryland~~
21 ~~(As enacted by Chapter ____ (S.B. 1) of the Acts of the General Assembly of 2003)~~

22 BY adding to
23 Article - State Personnel and Pensions
24 Section 9-1107

1 Annotated Code of Maryland
 2 (1997 Replacement Volume and 2002 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article -- Public Safety**

6 ~~13-707.~~

7 (a) ~~An officer or employee of the State, a county, or other political subdivision~~
 8 ~~of the State who is a member of the organized militia is entitled to a leave of absence~~
 9 ~~from duties, without loss of pay, time, or efficiency rating:~~

10 (1) ~~on each day engaged in field or coast defense or other training~~
 11 ~~ordered or authorized under this title; or~~

12 (2) ~~under any law of the United States while on inactive duty training,~~
 13 ~~not to exceed 15 days annually.~~

14 (b) ~~In addition to the 15 day period specified in subsection (a) of this section,~~
 15 ~~a member of the organized militia who is ordered to State active duty under authority~~
 16 ~~OR WITH THE CONSENT of the Governor is entitled to leave of absence without loss of~~
 17 ~~pay, time, or efficiency rating while actually serving under the State active duty~~
 18 ~~orders.~~

19 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be~~
 20 ~~construed to apply retroactively and shall be applied to and interpreted to affect any~~
 21 ~~member of the organized militia subject to this Act who is ordered to active duty with~~
 22 ~~the consent of the Governor on or after September 11, 2001.~~

23 ~~SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
 24 ~~October 1, 2003.~~

25 **Article - State Personnel and Pensions**

26 ~~9-1107.~~

27 (A) THIS SECTION APPLIES TO ALL EMPLOYEES, EXCEPT TEMPORARY
 28 EMPLOYEES, OF ALL UNITS IN THE EXECUTIVE, JUDICIAL, AND LEGISLATIVE
 29 BRANCHES OF STATE GOVERNMENT, INCLUDING ANY UNIT WITH AN INDEPENDENT
 30 PERSONNEL SYSTEM.

31 (B) MILITARY ADMINISTRATIVE LEAVE MAY BE PROVIDED TO AN EMPLOYEE
 32 SUBJECT TO THIS SECTION WHO:

33 (1) IS ON ACTIVE MILITARY DUTY ON JULY 1, 2003; OR

34 (2) IS ACTIVATED FOR MILITARY DUTY ON OR AFTER JULY 1, 2003.

1 (C) (1) AN EMPLOYEE WHO IS ELIGIBLE TO RECEIVE MILITARY
2 ADMINISTRATIVE LEAVE UNDER THIS SECTION IS ENTITLED TO LEAVE IN AN
3 AMOUNT SUFFICIENT TO COMPENSATE THE EMPLOYEE, DURING EACH PAY PERIOD
4 FOR WHICH THE EMPLOYEE IS ELIGIBLE TO RECEIVE MILITARY ADMINISTRATIVE
5 LEAVE UNDER THIS SECTION, FOR THE DIFFERENCE BETWEEN THE EMPLOYEE'S
6 ACTIVE DUTY BASE SALARY PAID BY THE FEDERAL GOVERNMENT AND THE
7 EMPLOYEE'S STATE BASE SALARY OR DIRECT WAGES.

8 (2) COMPENSATION PROVIDED UNDER THIS SUBSECTION MAY NOT
9 EXCEED AN EMPLOYEE'S STATE BASE SALARY OR DIRECT WAGES.

10 (D) AN EMPLOYEE ELIGIBLE TO RECEIVE MILITARY ADMINISTRATIVE LEAVE
11 UNDER THIS SECTION WHO IS ACTIVATED FOR MILITARY DUTY ON OR AFTER JULY 1,
12 2003, SHALL ELECT TO USE EITHER MILITARY ADMINISTRATIVE LEAVE OR PAID
13 LEAVE AS PROVIDED IN § 9-1104(3) OF THIS SUBTITLE.

14 (E) THE DEPARTMENT SHALL KEEP A RECORD OF THE USE OF MILITARY
15 ADMINISTRATIVE LEAVE UNDER THIS SECTION.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 July 1, 2003. It shall remain effective for a period of 1 year and, at the end of June 30,
18 2004, with no further action required by the General Assembly, this Act shall be
19 abrogated and of no further force and effect.